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REMARKS

Claims 1-19 were originally pending in this application. Claims 1, 10 and 16 have been amended. Claims 3 and 13 have been cancelled without prejudice. New claims 20-23 have been added.

Support for the claim amendments and for the new claims is found throughout the specification and claims as originally filed, for example at page 2, at the second paragraph of the Summary of the Invention, which states:

In accordance with certain preferred embodiments, the inner surface member of the convex end of the face member is smooth. In other preferred embodiments, the inner surface member of the convex portion of the face member is knurled, by which is meant comprising a series of small ridges or beads or other suitable protuberance to aid in gripping the material to which the clip is being attached.

See also the paragraph bridging pages 7 and 8, which states that "in other preferred embodiments, inner surface member [of the front end of the face member] may be stippled," and page 4, 2nd full paragraph, which states that "stippled as used herein means comprising a series of indentations, typically rounded in shape." Additionally, see page 7, first full paragraph, which states:

In certain preferred embodiments, the biasing member may serve as both the biasing member and as the means for pivotably connecting the base member and the face member, i.e., with no further rivets or eyelets connecting the face member and base members.

Also, see page 7, second paragraph, which states that

alternatively, the biasing member can be an extension

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of the rear portion of flat body of the face member, bent toward the center of the clip to contact the inner surface member of the flat body of the base member such that it acts as a leaf spring. Similarly, the biasing member can be an extension of the rear portion of flat body of the base member, bent toward the center of the clip to contact the inner surface member of the flat body of the face member such that it acts as a leaf spring.

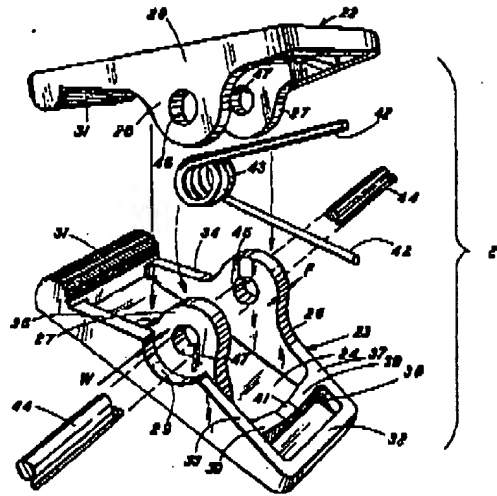
The drawings were objected to under 37 C.F.R. 1.83(a). The drawings have been amended to show and label all the elements of the claims. No new matter has been added by these amendments.

The Claims are Novel and Not Anticipated by Bigelow et al., U.S. 4,175,306.

Claims 1, 3, 7 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bigelow et al., U.S. 4,175,306 ("Bigelow et al."). Applicant respectfully traverses the rejection.

As illustrated below, Bigelow et al. disclose a molded plastic clip (col. 1, lines 43-45). The clip has grooved gripping sections on both the face and base ends (col. 2, lines 48-50, Fig. 1).

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Knurled
yes to
don

Bigelow et al. do not teach clips in which the inner face member of the convex bend of the face member is stippled, or in which the inner face member of the convex bend of the face member comprises a series of beads or protuberances.

As Bigelow et al. do not disclose each and every element of claim 1, from which claims 7 and 9 depend, Applicant respectfully requests withdrawal of the rejection. As Bigelow et al. likewise fails to disclose each element of new claims 20, 21, 22, and 25-30, Applicant requests allowance of these claims over Bigelow et al.

The Claims are Non-Obvious Over Bigelow et al.

Claims 2, 4-6 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bigelow et al. Applicant respectfully traverses the rejection.

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As discussed above, Bigelow et al. discloses a molded plastic clip with grooved gripping sections on both the face and base ends. Bigelow et al. do not teach or suggest a clip in which the base inner face member is smooth, as required by claim 2. Indeed, Bigelow et al. expressly teach away from such a design. See col. 3, lines 58-59, noting that "[t]he absolute identity of the molded clamp jaws 21 and 23 of the present invention assures this interchangeability..." Such interchangeability would not be possible were the base of Bigelow to have a smooth inner face member.

The Examiner has contended that smooth surfaces are an equivalent alternative to the grooved gripping sections of Bigelow et al. The Examiner has presented no evidence in support of this supposition, however. The Examiner has not made a *prima facie* showing of obviousness by this assertion, however. It is unclear whether the Examiner is basing this assertion on personal knowledge or whether the Examiner believes it is within the knowledge of one skilled in the art. No reference has been proffered by the Examiner to support this assertion. Such a smooth surface in fact would not be considered an equivalent to the grooved gripping surfaces of Bigelow et al. Indeed, as noted in the specification at the paragraph bridging pages 1 and 2, virtually all conventional clips available are typically either the bulldog (overlapping jaws) or alligator (serrated teeth) variety, despite the known risk such clips impose on the clothing to which they are attached, which is evidence that clip manufacturers do not consider the safer smooth surface to provide equivalent gripping ability.

The Examiner acknowledges that Bigelow et al. do not teach using metal. Bigelow et al. in fact expressly teach away from the use of metal in making the present invention. See col. 1, lines 43-45 ("a principal object of the present

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metal is common
invention is the provision of a *molded plastic* garment clamp..."); col. 3, lines 58-59 ("[t]he absolute identity of the *molded* clamps jaws 21 and 23 of the present invention..."); col. 4, lines 16-26 ("[s]tress concentrations are avoided by the relatively thick wall sections typifying these *molded plastic* clamp members and significant economies of manufacture are achieved by the use of *molded plastic*..."). Thus, Bigelow et al. is not properly combinable with a teaching of the use of metal to make the clip.

The Examiner has taken official notice of badges issued for employees which include metal clips. The Examiner has further determined that a leaf spring is an equivalent alternative to a coil spring, again relying solely on the knowledge of one skilled in the art. However, even were the use of metal, or the use of a leaf spring, to be within the general skill of a worker in this art, the remaining deficiencies of Bigelow et al. identified above, for example the lack of teaching of a smooth or stippled inner face member of the base or of a base wherein the inner face member comprises a series of protuberances or beads, are not rectified by the simple substitution of metal, and the claims remain non-obvious over Bigelow et al.

Since Bigelow et al. do not disclose each and every element of the claims, Applicant respectfully requests withdrawal of the rejection and allowance of the amended and newly presented claims.

The Claims are Non-Obvious over Bigelow et al. in view of Ohlson, U.S. 6,301,751.

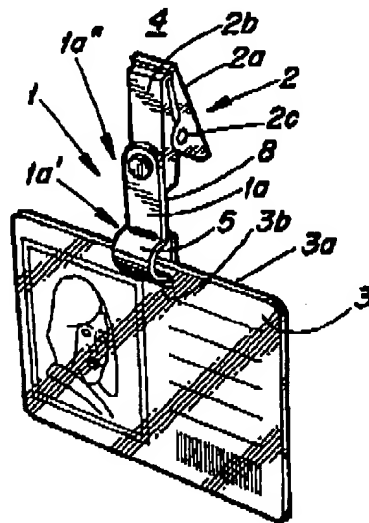
Claims 10-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bigelow et al. in view of Ohlson, U.S. 6,301 751 ("Ohlson").

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Applicant respectfully traverses the rejection.

Bigelow et al., as discussed above, fails to teach or suggest a clip in which the base inner face member is smooth, stippled, or comprises a series of beads or protuberances, as required by independent claims 10 and 16 as currently presented and by each of new claims 20-32. Nothing in Ohlson rectifies this deficiency of Bigelow et al.



As can be seen in Fig. 1, the Ohlson clip is a bulldog clip with overlapping jaws. Such clips are distinguished from the claimed clips of the present application, see page 2, as posing a risk of severe damage to clothing due to the aggressive nature of their hold. Further, contrary to the Examiner's position, 2c of Fig. 1 is described in Ohlson only as being an intermediate rotary shaft (col. 7, line 40).

As Bigelow et al. in view of Ohlson do not disclose each and every

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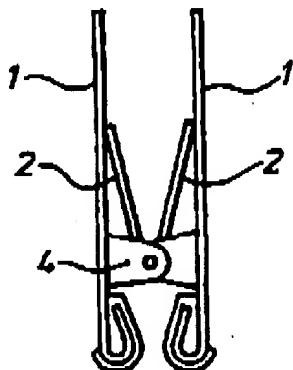
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element of these claims, Applicant respectfully requests withdrawal of the rejection and allowance of the amended and newly presented claims.

The Claims are Non-Obvious over Bigelow et al. in view of Dymott et al. U.S. 5,855,046.

Claim 19 stands rejected under 35 U.S.C 103(a) as being unpatentable over Bigelow et al. in view of Dymott et al., U.S. 5,855,046 ("Dymott et al."). Applicant respectfully traverses this rejection.

Bigelow et al. fail to teach or suggest a clip in which the base inner face member is smooth stippled, or comprises a series of beads or protuberances, as required by the independent claims from which claims 19, 22, 24 and 26 depend. Bigelow also fails to teach or suggest coating, covering or encasing the convex ends of the face and base members with a plastic or rubber material to provide greater friction with clothing material, as required by claims 19, 22, 24 and 26. Nothing in Dymott et al. rectifies these deficiencies.



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yes it does

As illustrated above, Dymott teaches a clip in which a soft material is used to cover the jaws of the clip. This soft material is adhesively applied or otherwise secured, for example by enclosing a bulbous end of the material in the mouth of the jaws (Col. 1, line 63 to Col. 2, line 7). Dymott et al. do not teach or suggest coating or encasing the jaws of the clip as required by the claims. As Bigelow et al. in view of Dymott et al. do not disclose each and every element of these claims, Applicant respectfully requests withdrawal of the rejection and allowance of the newly presented claims.

Conclusion

Reconsideration and allowance of all pending claims is respectfully requested.

FEE AUTHORIZATION

Please charge all fees (i.e., time extension fees and/or excess claim fees) due in connection with this Office Action response to our Deposit Account - No. 19-0733.

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that this correspondence was submitted by facsimile in the USPTO on the date shown on Page 1.

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